



PLANNING COMMISSION

MINUTES

August 26, 2009

4:00 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Edward Whelan, III, Chair, Absent
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual, Absent
Susan Spears, Absent
Berkley Mitchell

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The August 26, 2009 Planning Commission meeting was called to order at 4:00 p.m. by Vice-Chairman Roy McAfee who explained the standard meeting procedures.

2. PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS/ACTION ITEMS

3. Zoning Ordinance Text Amendment- Amendment to the City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 23 "Old and Historic Fredericksburg" by adding a new section 78-767.5, "Reviews".

Mr. Ocel presented the background on this issue. He said that at the August 12, 2009 public hearing, the Planning Commission did not receive any public comments in regard to this text amendment. Commission members did not raise any questions in regard to the proposed amendment having fully discussed their comments during the two preceding similar amendments.

Mr. Ocel said that staff also recommends denial of the proposed text amendment and that the ARB previously provided a Resolution, which was approved by the ARB on Monday, August 10, 2009, recommending the City council consider an inclusive rather than exclusive zoning ordinance text amendment if it intends to allow a review of ARB decisions beyond the existing appeal process.

Mr. Ramoneda noted that this issue has been before the City for perhaps 5 years.

Mr. McAfee reiterated for the record that the Architectural Review Board has provided an eloquently written Resolution with regard to this issue and thanked them for their input.

Mr. Ramoneda made a motion to recommend denial of the proposed text amendment.

Dr. Gratz seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

4. Zoning Ordinance Text Amendment-Amendment to the City Code Chapter 78, Zoning, Planning and Development, Article I, In General, and Article III, Division 2, General Regulations to add a definition of encroachment and to permit encroachments into required rear and side yards.

Mr. Ocel presented the background on this item. He said that at the August 12th public hearing, the Commission did not receive any public comments in regard to this text amendment.

Commissioner Comments/Questions during the Public Hearing included:

Mr. Whelan asked staff if passage of this text amendment would eliminate people having to seek a variance and staff responded that it would.

Mr. Whelan asked staff if it maintains a list of the people that were turned away from building these types of accessory structures due to insufficient setbacks so that the City may notify them of the text amendment that may now allow them to build. Mr. Ocel said there is no such list but that he has informed the president of the Preserves Homeowners Association as the residents of that community will benefit greatly from the amendment as it will permit the constructions of decks on many of their houses..

Mr. Gratz referred to Item H and how this amendment would apply to a chimney in regard to height limits. Staff said it would not apply because a chimney is attached to the house. He said the height of that particular zoning district would apply.

Mr. Gratz noted that in both 78-70 (2) (j) (4) and (k) (4), that the word "not" should be stricken and the ordinance has been updated to reflect this change.

Mr. Gratz referenced item 78-70 (2) (k) (4), which states: "No deck shall have a floor higher than 12 feet above grade. He asked how this is determined when one has a yard that slopes close to the structure. Staff responded that the measurement would be measured from the foundation of the building.

Mr. Whelan noted that the same situation applies to many properties in the C-H zoning district and asked if this text amendment would also apply to that district. Staff noted that the text amendment is a general regulation and that it would apply to all zoning districts.

Dr. Gratz referred to Page 4 of the proposed ordinance, last item (l.) regarding ramps and similar structures... and asked why there are no references to setbacks for these items. He asked staff if they anticipate any problems that could arise in the future since the language is vague.

Mr. Ocel deferred the question to Ms. Debra Ward, Zoning Officer.

Ms. Ward noted that this was intentionally left vague so as not to get into potential issues/problems with respect to ADA laws.

Mr. McAfee commended Ms. Ward and staff for their work in developing this proposed ordinance.

Dr. Gratz made a motion to recommend approval of the special use permit.

Mr. Mitchell seconded the motion.

Motion carried by a unanimous vote of 4-0.

OTHER BUSINESS

5. The August 12, 2009 Planning Commission Minutes were approved as submitted.
6. Planning Commissioner Comments
 - a. Mr. McAfee noted that he attended the last Pre-Plan Conference and noted that Chairman Whelan requested that Commissioners be provided a breakdown of upcoming/proposed projects. Mr. McAfee provided detail of those proposed projects.
 - i. Fredericksburg Park – a proposed PD-MU development to be located off of the Blue and Gray Parkway.
 - ii. McDonalds teardown and rebuild – located off of Jefferson Davis Hwy.
7. Planning Director Comments
 - a. Mr. Ocel noted that City Council had not met since the last Planning Commission meeting on August 12, so there was nothing further to add regarding Council actions.
 - b. Mr. Ocel informed Commissioners of upcoming agenda items for its September 9th Public Hearing.

MEETING ADJOURNED



Roy McAfee, Vice Chairman